

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Juan CARRILLO-Acevedo,

Defendant

Magistrate Docket No.

COMPLAINT FOR VIOLATION OF:Title 8, U.S.C., Section 1326
Deported Alien Found in the
United StatesFILED
08 APR 09 8:14 8CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DEPUTY

The undersigned complainant, being duly sworn, states:

On or about **March 30, 2008** within the Southern District of California, defendant, **Juan CARRILLO-Acevedo**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANTIsmael A. Canto
Senior Patrol AgentSWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 1st DAY OF April 2008_____
Anthony J. Battaglia

UNITED STATES MAGISTRATE JUDGE

-CONTINUATION OF COMPLAINT:**Juan CARRILLO-Acevedo****PROBABLE CAUSE STATEMENT**


I declare under the penalty of perjury that the following statement is true and correct:

On March 30, 2008, at approximately 8:45 A.M., Border Patrol Agent H. Luna was performing line watch duties near an area known as "Sam's Drive". This area is approximately four miles west of the San Ysidro, California, Port of Entry and approximately one half mile north of the United States/Mexico International Boundary Fence. "Sam's Drive" is an area notoriously used by illegal aliens to further their illegal entry into the United States.


Inside infrared scope operator advised Agent Luna via service radio of individuals running towards "Sam's Drive". Agent Luna responded to the reported location and searched the area and observed four individuals, including one who was later identified as defendant Juan CARRILLO-Acevedo, laying in the brush. Agent Luna identified himself as a United States Border Patrol Agent and questioned the group as to their country of citizenship and nationality. The group, including the defendant, freely admitted that they were citizens and nationals of Mexico and that they possessed no immigration documentation permitting them to enter or remain in the United States legally. At 8:50 A.M, Agent Luna arrested the group, including the defendant, and subsequently had them transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on March 3, 2008 through Calexico, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on March 31, 2008 at 9:00 A.M.


Terri L. Dimolios
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on March 29, 2008 in violation of Title 8, United States Code, Section 1326.


Anthony J. Battaglia
United States Magistrate Judge

3/31/08 10:30 AM
Date/Time